

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DAVID JOSEPH ACEVADO,

No. 4:20-CV-1221

Plaintiff,

(Judge Brann)

v.

CHAD STRICKLAND, *et al.*,

Defendants.

ORDER

JULY 17, 2020

In accordance with the accompanying Memorandum Opinion, **IT IS
HEREBY ORDERED** that:

1. Plaintiff's application to proceed *in forma pauperis* (Doc. 2) is construed as a request to proceed without full prepayment of fees and is **GRANTED**.
2. Plaintiff shall PAY the full filing fee of \$350.00, based on the financial information provided in the application for leave to proceed *in forma pauperis*. The full filing fee shall be paid regardless of the outcome of the litigation.
3. Pursuant to 28 U.S.C. § 1915(b)(1) and (2), the Superintendent/Warden, or other appropriate official at Plaintiff's place

of confinement is directed to DEDUCT an initial partial filing fee of 20% of the greater of:

- (A) the average monthly deposits in the inmate's prison account for the past six months, or
- (B) the average monthly balance in the inmate's prison account for the past six months.

The initial partial filing fee shall be forwarded to the Clerk of the United States District Court for the Middle District of Pennsylvania, P.O. Box 1148, Scranton, Pennsylvania, 18501-1148, to be credited to the above-captioned docket number. In each succeeding month, when the amount in Plaintiff's inmate trust fund account exceeds \$10.00, the Superintendent or Warden, or other appropriate official, shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Plaintiff's inmate trust fund account until the fees are paid. Each payment shall reference the above-captioned docket number.

4. The Clerk of Court is directed to SEND a copy of this Order to the Superintendent/Warden of the institution at which Plaintiff is presently confined.
5. The Complaint is DEEMED filed.

6. Plaintiff's complaint is **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
7. The Clerk of Court is directed to **CLOSE** this case.
8. Any appeal from this Order is **DEEMED** frivolous and not taken in good faith. 28 U.S.C. § 1915(a)(3).

BY THE COURT:

s/ Matthew W. Brann
Matthew W. Brann
United States District Judge